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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Nov 08, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MITCHELL J. RANES,

Plaintiff,

v.

YAKIMA COUNTY JAIL and  
YAKIMA COUNTY JAIL  
MEDICAL DEPT.,

Defendant.

NO: 1:23-CV-3130-RMP

ORDER DISMISSING ACTION FOR  
FAILURE TO PROSECUTE

Plaintiff Mitchell J. Ranes filed a civil rights complaint pursuant to 42 U.S.C.

§ 1983 on September 5, 2023, while he was incarcerated at the Yakima County Jail.

ECF No. 1. He sought leave to proceed *in forma pauperis*. ECF No. 2.

Plaintiff subsequently notified the Court twice of his changes of address, initially to White Swan, Washington, and then to a treatment facility in Spokane Valley, Washington. ECF Nos. 6 and 7. On October 6, 2023, the Court instructed Plaintiff to file a new *in forma pauperis* application because the mechanism to collect the filing fee in incremental payments under the Prison Litigation Reform

1 Act, 28 U.S.C. § 1915(b), was no longer available as Plaintiff was no longer  
2 incarcerated. *See* ECF No. 8. Plaintiff did not comply with that Order.

3 The Court explicitly warned Plaintiff that if he did not file a new application  
4 to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(a)(1), or pay the full  
5 \$402.00 fee (\$350.00 filing fee + \$52.00 administrative fee), his case would be  
6 dismissed for failure to prosecute. ECF No. 8 at 2. Plaintiff did not comply with  
7 the Court's directives, and he has filed nothing further in this case.

8 Accordingly, **IT IS HEREBY ORDERED** that this action is dismissed  
9 without prejudice for failure to prosecute, pursuant to Federal Rule of Civil  
10 Procedure 41(b). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any  
11 appeal of this Order would not be taken in good faith and would lack any arguable  
12 basis in law or fact.

13 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
14 Order, enter judgment, provide copies to Plaintiff at his last known address, and  
15 **CLOSE** the file. The District Court Clerk shall also terminate any pending  
16 deadlines in this action.

17 **DATED** November 8, 2023.

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20 *s/ Rosanna Malouf Peterson*  
ROSANNA MALOUF PETERSON  
Senior United States District Judge  
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